

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

JOSEPH ALLDREDGE aka Christ Tea  
Party 1773,

Plaintiff,

vs.

SHE D'EVIL KLINTON; DAEMON  
KRAUT KOMMOUISTA TRAITORS;  
SATAN OBAMA,

Defendants.

Case No.: 3:16-cv-01918-JLS-JLB

**ORDER:**

**1) DENYING MOTION FOR  
RECONSIDERATION  
(ECF No. 17)**

**AND**

**2) DENYING MOTION TO  
PROCEED IN FORMA PAUPERIS  
AS MOOT**

**(ECF No. 21)**

Plaintiff Joseph Alldredge, also known as “Christ Tea Party 177,” proceeding pro se and in forma pauperis (“IFP”), has filed a “Motion Petition Reconsideration and Motion Petition for Rehearing” relating to the Court’s September 9, 2016 Order dismissing this civil action for failing to comply with Federal Rule of Civil Procedure 8(a) and as frivolous pursuant to 28 U.S.C. § 1915(e)(2) and § 1915A. (ECF No. 17.) In addition, Plaintiff has

1 filed an “Application to Proceed In Forma Pauperis.” (ECF No. 21.) The Court has already  
 2 granted Plaintiff IFP status. Thus, this duplicative motion to proceed IFP is **DENIED** as  
 3 moot.

4 **I. Procedural History**

5 Plaintiff filed his original Complaint in this case on July 25, 2016, and later filed a  
 6 Motion for Leave to Proceed IFP. (ECF Nos. 1, 11.) On September 9, 2016, the Court  
 7 granted Plaintiff leave to proceed IFP, but dismissed his Complaint without prejudice  
 8 because it failed to comply with Federal Rule of Civil Procedure 8(a) and the Court found  
 9 Plaintiff’s claims to be frivolous. (ECF No. 14 at 5.) The Court also found that further  
 10 amendment was futile and entered a final judgment. (*Id.*)

11 **II. Plaintiff’s Motion for Reconsideration**

12 Plaintiff has filed a Motion for Reconsideration that is as incomprehensible as his  
 13 Complaint. It contains references to what appears to be a rant regarding treason, a call for  
 14 impeachment of government officials, and random references to terrorist organizations.  
 15 These claims, like those found in his Complaint, are frivolous because they lack even “an  
 16 arguable basis either in law or fact” and are “fanciful,” “fantastic,” and “delusional.”  
 17 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

18 **A. Standard of Review**

19 “A Rule 59(e) motion may be granted if ‘(1) the district court is presented with newly  
 20 discovered evidence, (2) the district court committed clear error or made an initial decision  
 21 that was manifestly unjust, or (3) there is an intervening change in controlling law.’”  
 22 *Ybarra v. McDaniel*, 656 F.3d 984, 998 (9th Cir. 2011) (quoting *Zimmerman v. City of*  
*Oakland*, 255 F.3d 734, 737 (9th Cir. 2001)). This type of motion seeks “a substantive  
 24 change of mind by the court,” *Tripati v. Henman*, 845 F.2d 205, 206 n.1 (9th Cir. 1988)  
 25 (quoting *Miller v. Transamerican Press, Inc.*, 709 F.2d 524, 526 (9th Cir. 1983)), and “is  
 26 an extraordinary remedy which should be used sparingly.” *McDowell v. Calderon*, 197  
 27 F.3d 1253, 1254 n.1 (9th Cir. 1999). Rule 59(e) may not be used to “relitigate old matters,  
 28 or to raise arguments or present evidence that could have been raised prior to the entry of

1 judgment.”” *Stevo Design, Inc. v. SBR Mktg. Ltd.*, 919 F. Supp. 2d 1112, 1117 (D. Nev.  
 2 2013) (quoting 11 Charles Alan Wright et al., Federal Practice and Procedure § 2810.1 (2d  
 3 ed. 1995)).

4 Plaintiff’s request for reconsideration is not based on newly discovered evidence or  
 5 any intervening change in controlling law. *See Ybarra*, 656 F.3d at 998. Instead, Plaintiff  
 6 appears to raise the same delusional arguments found in his Complaint. Here, the Court  
 7 finds that Plaintiff’s Motion fails to demonstrate that this Court disregarded, misapplied,  
 8 or failed to recognize any controlling precedent when it dismissed his Complaint without  
 9 further leave to amend.

10 Thus, because Plaintiff has failed to offer any valid basis upon which the Court might  
 11 find its September 9, 2016 Order and Judgment of dismissal was erroneous or manifestly  
 12 unjust, relief is not warranted under Federal Rule of Civil Procedure 59(e).

13 **III. Conclusion and Order**

14 Based on the foregoing, the Court:

15 1) **DENIES** Plaintiff’s Motion for Reconsideration pursuant to Federal Rule of  
 16 Civil Procedure 59(e) (ECF No. 17), and re-affirms its September 9, 2016 Order and  
 17 Judgment dismissing this civil action pursuant to Federal Rule of Civil Procedure 8(a) and  
 18 28 U.S.C. § 1915(e)(2);

19 2) **DENIES** Plaintiff’s Motion to Proceed IFP as moot (ECF No. 21);

20 3) **RE-CERTIFIES** that an IFP appeal from either the September 9, 2016  
 21 Judgment, or this Order, would be frivolous and therefore, would not be taken in good faith  
 22 pursuant to 28 U.S.C. § 1915(a)(3). *See Coppedge v. United States*, 369 U.S. 438, 445  
 23 (1962); *Gardner v. Pogue*, 558 F.2d 548, 550 (9th Cir. 1977) (indigent appellant is  
 24 permitted to proceed IFP on appeal only if appeal would not be frivolous); and

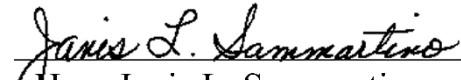
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1           4) **DIRECTS** the Clerk of Court to terminate this action and to accept no further  
2 filings, except a Notice of Appeal, for filing in this case.

3           **IT IS SO ORDERED.**

4 Dated: November 14, 2016

5   
6 Hon. Janis L. Sammartino  
United States District Judge

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